

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nathaniel Mehlman	Team: Team # 2	CCRB Case #: 200610366	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/07/2006 7:00 PM	Location of Incident: § 87(2)(b)	Precinct: 67	18 Mo. SOL 2/7/2008	EO SOL 2/7/2008	
Date/Time CV Reported Tue, 08/08/2006 9:33 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 08/08/2006 9:33 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Craig Malamed	10938	922579	067 PCT
2. POM Mark Vazquez	29928	933447	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Peter Angieri	14673	936134	067 PCT
2. POM Robert Dombi	07137	932560	067 PCT
3. POM Andrzej Bigus	05925	923558	067 PCT
4. POM Fakrul Islam	27327	932815	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Mark Vazquez	Abuse: PO Mark Vazquez threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.POM Craig Malamed	Off. Language: PO Craig Malamed made remarks to § 87(2)(b) based upon ethnicity.	§ 87(2)(b)

Synopsis

On August 7, 2006, § 87(2)(b) was in the driveway of § 87(2)(b) in Brooklyn. A dispute broke out between § 87(2)(b) and § 87(2)(b). § 87(2)(b) hit § 87(2)(b) with his vehicle and in retaliation § 87(2)(b) took a brick and broke § 87(2)(b)'s vehicle's windshield. § 87(2)(b) called the police and once they arrived she went into her house. PO Malamed, PO Angeri, PO Islam and PO Vazquez responded to the scene. § 87(2)(b) and § 87(2)(b) were told that they could handle their complaint civilly, or if they chose to they could file police reports against each other and they would go to jail. § 87(2)(b) for hitting § 87(2)(b) and § 87(2)(b) for breaking § 87(2)(b)'s windshield. § 87(2)(b) took offense to this. He became belligerent and tumultuous, calling the officers names and racial epithets. PO Vazquez stated that he attempted to quell § 87(2)(b) in a courteous manner, while § 87(2)(b) contends that PO Vazquez threatened to "drag him to jail by his dreads." (Allegation A) PO Malamed asked § 87(2)(b) if "He would talk to cops like that in Jamaica." (Allegation B) § 87(2)(b) responded that he would "shoot cops in Jamaica." After further verbal belligerence on the part of § 87(2)(b) the officers decided that § 87(2)(b)'s behavior rose to a level of disorderly conduct and attempted to arrest him. § 87(2)(b) ran into the gated front yard of § 87(2)(b). The four officers slightly entered the yard, however § 87(2)(b) § 87(2)(b) denied them access to the property. The four returned to § 87(2)(b) and reiterated the options to § 87(2)(b) and § 87(2)(b) who decided to settle the matter civilly and then they left.

§ 87(2)(g)

Summary of Complaint

Civilian Statements

§ 87(2)(b) [ENC: 6a, 7a-d]

On August 14, 2006, § 87(2)(b) provided a phone statement to the CCRB. § 87(2)(b) On August 28, 2006, § 87(2)(b) was interviewed at the CCRB. § 87(2)(g)

On August 7th, 2006, between 5:00PM and 5:30 PM, § 87(2)(b) and his girlfriend, § 87(2)(b) were in front of a neighbor's, § 87(2)(b) house located at § 87(2)(b) playing with the kids of a mutual friend, "§ 87(2)(b)". The driveway and yard are shared with another neighbor (who is new to the block and whose name § 87(2)(b) did not know). This unknown male neighbor arrived at the scene in his car and proceeded to back his car into the mutual driveway. There has been tension between the neighbors in the past concerning the shared property. Incidents involving this have resulted in the calling the police.

As the neighbor backed into the driveway § 87(2)(b) refused to move to allow the neighbor to pull in. § 87(2)(b) asked § 87(2)(b) to move out of the way, but § 87(2)(b) still refused. The neighbor continued backing in until he hit § 87(2)(b) with his car, which caused no injury. § 87(2)(b) went around to the side of the car and said to the driver, "You know you hit me with your car." The driver continued to back up so that § 87(2)(b) was now in front of the car. The car then lunged forward and hit § 87(2)(b) a second time. At this time, "§ 87(2)(b)" was trying to pull § 87(2)(b) away from the car and, when the car hit § 87(2)(b) it ended up hitting "§ 87(2)(b)" as well.

§ 87(2)(b) then picked up a half of a brick from the ground and "pushed" it into the car windshield so that the windshield cracked. The driver turned off the engine and stepped out of his vehicle. § 87(2)(b) went down the block (out of sight) and then came back, saying, "I called the cops because I'm not going to leave and then have them looking for me."

§ 87(2)(b) speculated that the driver's landlord must have also notified the police too. About 10 minutes later, a patrol car (RMP1) came to the location. Two officers exited the vehicle and began to ask what happened however before the civilians could explain what happened the officers received a call of a shooting. The officers told the group they had to respond and "jumped" back into RMP1 and drove off without taking the report of the incident.

After RMP1 left the scene, § 87(2)(b) and his friends went inside the gate of § 87(2)(b)'s yard § 87(2)(b) and set up a game of dominoes. About 15-20 minutes later, another police car (RMP2) drove up. § 87(2)(b) and his friends left his yard and returned to the sidewalk in front the gate of § 87(2)(b). Two uniformed officers stepped out of RMP2. PO3 was a Hispanic male, about 6'0" and identified by the investigation as PO Vazquez. PO4 was a "Indian" male, about 5'7"-5'8" identified by the investigation as PO Islam.

PO Islam asked, "What's happening here?" The driver responded, "This guy broke my windshield." PO Islam said to the driver, "If this guy did something wrong, I would be looking for him, but he's standing here. Explain the story." The driver proceeded to explain what had happened in the driveway. During this interaction, PO Vazquez was leaning with his back against RMP2 and his arms folded across his chest.

While the driver was explaining the events of the incident to PO Islam, a third police car (RMP3) pulled up to the block and two officers, PO Malamed and PO Angeri (PO Angeri was identified by the investigation), stepped out of the car and approached the group. § 87(2)(b) estimated that RMP3 arrived within one minute of RMP2.) § 87(2)(b) described PO Malamed as having a "M" last name early in the interview, but later identified him by name. PO Malamed is a white, "big-bellied" male. PO Angeri is a white male with dark hair, around 6'0," who § 87(2)(b) recalled as being "in shape."

PO Malamed asked, "What happened here?" § 87(2)(b) said, "That guy ran me over with his car." PO Malamed did not take § 87(2)(b) comment seriously and replied that if someone had run § 87(2)(b) over with a car, § 87(2)(b) would not be standing there. § 87(2)(b) corrected § 87(2)(b) and told him to tell PO Malamed that the driver hadn't *run him over* but rather *hit* him with the car. PO Malamed appeared to be doubtful of § 87(2)(b) claim and asked the driver how old he was. The driver replied that he was § 87(2)(b). PO Malamed said, "This is a grown man. Why would he do something like that?" PO Malamed informed § 87(2)(b) that he was going to have to pay for the windshield.

§ 87(2)(b) said to § 87(2)(b) "Since you have to pay for the windshield, you should also be able to file a complaint. This way, you have your side covered and it's not just a one-end thing." PO Malamed said to § 87(2)(b) "For him to file a complaint, we would have to arrest him." § 87(2)(b) told the officers that he did not believe that that was how the law worked. § 87(2)(b) believed PO Malamed's comment to be some sort of "street intimidation" or unlawful "street justice." § 87(2)(b) expressed this feeling by telling the officers that what PO Malamed said was "bullshit."

At this point, § 87(2)(b) began to get upset, becoming loud and belligerent. PO Vazquez told § 87(2)(b) to "shut up before I drag you off to jail by your dreads." § 87(2)(b) began pushing § 87(2)(b) towards § 87(2)(b)'s gate to avoid any escalation of the situation. As § 87(2)(b) pushed § 87(2)(b) away from the group, PO Malamed told § 87(2)(b) that he "should be happy this isn't Jamaica because you can't speak to cops like that in Jamaica." § 87(2)(b) responded, "That's why they shoot cops in Jamaica."

When § 87(2)(b) reached the gate of his house, the officers were still standing with the group explaining that § 87(2)(b) was going to have to pay for this windshield and if he wants to file a report, he has to go to jail.

At this point § 87(2)(b) was inside his gate and had become "very irate". He told the officers that he knew his rights and the rights of his friends and that he wasn't going to have his civil rights taken from him. PO Malamed told § 87(2)(b) to "go back to Jamaica." In his initial phone statement § 87(2)(b) alleged that PO Malamed first asked him if he knew what would happen to him in Jamaica and then told him to "go back to Jamaica." § 87(2)(b) told PO Malamed to "take his Caucasian ass back to Europe." § 87(2)(b) then told PO Vazquez that he was a "goddamn spic". § 87(2)(b) furthermore told PO Vazquez that he reminded him of someone who used to get picked on in high school. § 87(2)(b) said to PO Vazquez, "You seem like someone who used to get picked on so now you think it's fair for you to pick on people." PO Vazquez became visibly upset and said, "That's it. You're going to jail."

At this point, all four officers “rushed” towards § 87(2)(b) s gate. § 87(2)(b) ran through the garage of his house, which was open, and into the interior of the house. His aunt, § 87(2)(b) § 87(2)(b) who also lives at § 87(2)(b) s residence, was standing outside and told § 87(2)(b) to go inside and stay there. The officers opened § 87(2)(b) s gate and entered the yard. § 87(2)(b) then told the four officers, who were now through the gate, “If you have a warrant, you can go in and get him.”

PO Islam told § 87(2)(b) “This is NYPD property,” and that they could go wherever they wanted. § 87(2)(b) rebutted this statement by asking the officers “When was the last time that the NYPD paid my mortgage?” This brief confrontation ended with the officers exiting the yard.

The officers returned to the group involved in the initial dispute. § 87(2)(b) and the driver of the car agreed that neither would press charges against the other. However, § 87(2)(b) heard from several witnesses, including his girlfriend, that as the officers were leaving his gate, PO Islam said that he would “tie § 87(2)(b) up on a pole by his dreadlocks and leave him there.”

Photo Array viewed by § 87(2)(b) [ENC: 8a-i]

On October 11, 2006, § 87(2)(b) viewed group photographs at the CCRB. § 87(2)(b) viewed six photo arrays containing possible subject officers. Each array consisted of one possible subject officer and five fillers. In the first array § 87(2)(b) identified PO Fakrul Islam as the officer who threatened to tie him to a pole by his dreadlocks and leave him there, but he never actually heard him say this. PO Islam also entered § 87(2)(b) s aunt’s gate and told her he did not need a warrant because it was NYPD property. In the second array § 87(2)(b) did not recognize PO Andrzej Bigus as an officer on the scene. In the third array § 87(2)(b) recognized PO Craig Malamed. § 87(2)(b) stated that this officer told him he would not treat police in Jamaica as he was treating the NYPD. PO Malamed also told § 87(2)(b) to go back to Jamaica after § 87(2)(b) told him he would shoot cops in Jamaica. In the fourth photo array § 87(2)(b) did not recognize PO Robert Dombi as an officer on the scene. In the fifth photo array § 87(2)(b) recognized PO Peter Angieri as an officer on the scene, however he made no allegations against this officer. In the sixth photo array § 87(2)(b) recognized PO Mark Vazquez as the officer who threatened to drag him off to jail by his dread locks. PO Vazquez also “led the charge” into § 87(2)(b) s aunt’s yard threatening to arrest § 87(2)(b)

Results of Investigation

§ 87(2)(b) § 87(2)(b) [ENC: 9a]

On September 13, 2006, § 87(2)(b) was interviewed over the phone as a witness in this incident because she was unable to make an in-person interview. On August 7, 2006 an incident transpired between individuals on a property near § 87(2)(b) s home. Officers were called to the scene. Two marked RMPs arrived. The first one was numbered 1471 SSD and the second was 1965 67Pct. There were four officers in the vehicles- two white male officers, a Hispanic officer, and a “Guyanise” officer. The investigation identified the two white males as PO Malamed and PO Angeri, the Hispanic male as PO Vazquez and the “Guyanise” officer as PO Islam.

§ 87(2)(b) and the officers interacted. § 87(2)(b) could not specify what officer said what and referred the investigation to § 87(2)(b) for that information. § 87(2)(b) recalled that an officer stated that § 87(2)(b) needed to go back to Jamaica and that in Jamaica police would act differently. § 87(2)(b) could not specify which officer said this. § 87(2)(b) was in his gate at this point. After some back and forth PO Vazquez grabbed his baton and partially un-holstered it. PO Vazquez then rushed toward the gate and the other three officers followed. The officers opened the front gate and entered the driveway. About 1/2 a car length into the driveway the officers were confronted by family members and § 87(2)(b) entered the house. The officers then left the property after a confrontation with the family, which lasted about 1 minute.

§ 87(2)(b) went to take down the officers’ vehicle numbers. After taking down the vehicle numbers, she approached the officers and told them it was ignorant to tell § 87(2)(b) to go back to Jamaica. PO Islam said he would tie § 87(2)(b) to the wires, referring to telephone wires in the street, by his dreadlocks. § 87(2)(b)

§ 87(2) said that was not necessary and PO Islam laughed. § 87(2)(b) asked the officers what they were planing to do when they entered the gate. PO Vazquez stated he was going to arrest § 87(2)(b)

§ 87(2)(b) later spoke with § 87(2)(b) and informed him that the officers threatened to tie him to a telephone pole by his dreads, which upset him.

§ 87(2)(b) § 87(2)(b) [ENC: 10a]

On September 19, 2006, Investigator Mehlman spoke with § 87(2)(b) § 87(2)(b) via telephone. It should be noted that § 87(2)(b) is an elderly woman who has a strong Jamaican accent, which was difficult for the investigator to understand during this interview.

On August 7, 2006 § 87(2)(b) was in her yard packing things for her mother. She did not witness the entirety of the event because she was in her yard and the situation began several houses away. § 87(2)(b) could not hear everything that was said because of this distance, however she recalled generalities of what was said. § 87(2)(b) was telling the officers they were not listening to their complaint. An officer, tall white male, "tall face", was making a comment about Jamaica and cutting off or hanging § 87(2)(b)'s dread locks if he kept talking.

§ 87(2)(b) told § 87(2)(b) to come into the yard. § 87(2)(b) went into the yard and entered the house via the garage. The officers followed him into the yard, opening a closed gate. The officers went into the yard about 1 car length and § 87(2)(b) told the officers they could not come in without a warrant. An unspecified officer said, "This is NYPD property." § 87(2)(b) responded that the NYPD does not pay her mortgage. At this point a crowd developed near § 87(2)(b)'s gate and began saying what the officers were doing was wrong. She reiterated to the officers that she would not let them in without a warrant. The officers then laughed and left the gate. § 87(2)(b) returned to packing for her mother.

§ 87(2)(b) stated that it is apparent that § 87(2)(b) is Jamaican because his accent comes out when he is around other Jamaicans. He also has long dread locks.

§ 87(2)(b) [ENC: 11a]

On September 19, 2006 § 87(2)(b) was interviewed on the phone because he did not want to come to the CCRB.

On August 7, 2006 § 87(2)(b) was at his home when a dispute broke out between him and his neighbor. Officers were called to the scene via a 911 call. At first a marked RMP responded, however a call came over and these officers left immediately after arriving.

Later, two other RMPs came to the location. There were four officers in total, all in uniform. The first car to arrive had two officers in it. One of these officers (PO1) was short, "Guianese" and wearing glasses (identified by the investigation as PO Islam). His partner (PO2) was a male, white, slim build, average height with short black hair identified by the investigation as PO Vazquez. The second car had two officers. One officer (PO3) was a male white, broad head, slightly stocky, seemly more experienced (identified by the investigation as PO Malamed). His partner (PO4) was male, light brown skin, slim, with a low haircut (identified by the investigation as PO Angeri).

When the officers first arrived they asked the group what happened. § 87(2)(b) explained that he broke his neighbor's windshield. The neighbor explained his side of the story. After the situation was explained PO Islam stated, "Well if this guy (gesturing to § 87(2)(b)) broke your windshield and he is not running there has to be something deeper then what your saying." § 87(2)(b) believes this question indicated PO Islam was on his side of the situation. When PO Islam heard the neighbor's accent, Guianese, he took the neighbors side. PO Islam said that because the driver was older, in his 50s, and § 87(2)(b) was younger, in his 20s, it was not likely an older person would do something like that. This indicated to § 87(2)(b) that PO Islam was taking the neighbor's side.

§ 87(2)(b) stated he wanted to file an accident report and for an ambulance to come. PO Malamed stated

if an accident report were filed, § 87(2)(b) would be arrested.

§ 87(2)(b) tried to explain the situation to the officers and that the incident really went the way § 87(2)(b) described. PO Malamed told § 87(2)(b) he would hang § 87(2)(b) from the electrical wire by his dreads and if he were in Jamaica they would be beaten by the cops.

§ 87(2)(b) told the officers they were crazy and couldn't say things like that. § 87(2)(b) turned to go into his yard. § 87(2)(b) did not say anything to provoke the officers. PO Malamed said to the other officers, "You know what? This guy has too much mouth. Get him!" When PO Malamed said "Get him!" the four officers gave chase and ran into § 87(2)(b)'s yard. By the time the officers got to § 87(2)(b)'s yard, § 87(2)(b) was inside the house. The officers opened the gate and entered the yard. At this point people in the yard began yelling at the officers that they could not go on private property. An unspecified officer responded they could do what they want because they were NYPD. § 87(2)(b)'s aunt asked the officer what § 87(2)(b) did and the officers could not answer the question. They then left the yard.

The officers then came back to the group and asked § 87(2)(b) if he wanted to file an accident report and be locked up. § 87(2)(b) did not want to be locked up that night, because it was a nice summer night. He decided not to file a report and have nothing happen. The police then left.

§ 87(2)(b) [ENC: 12a]

On March 5, 2007, the investigator spoke with § 87(2)(b) via telephone. He could not recall the date of incident, however he remembered the incident where his windshield was broken. Three officers came on the scene. § 87(2)(b) described two of the officers as a tall and fat white male officer and a Hispanic officer. § 87(2)(b) could not remember which officer said or did what however he was able to speak in generalities. The officers asked § 87(2)(b) and the other individual what they each did. The officers listened to each side of the story and according to § 87(2)(b) they handled the situation fairly. Some members of the group who broke the windshield provoked the officers. One individual called an officer a Spic and that in Jamaica they would shoot the cops. The officers said that in Jamaica he would have the shit slapped out of him. The officers then chased the man into his yard. They entered the property. § 87(2)(b) could not see where the officers went inside the yard because he was down the street.

The officers came back and advised him to fix his windshield because the men had claimed that he struck them with his car. They advised the other men to say out of § 87(2)(b) yard. They then left.

§ 87(2)(b) [ENC: 27d]

On February 26, 2007, Inv. Mehlman spoke to § 87(2)(b) the landlord of § 87(2)(b). She stated that on August 7, 2006, there was a dispute among her tenant, § 87(2)(b) and some neighbors. One male hit § 87(2)(b) car with a rock so § 87(2)(b) called 911. First two officers arrived in one car but soon left after receiving a gun call. Several minutes later two other police cars came. She believed that there were four officers, but was not sure. These officers were talking to the men involved in this incident, but soon one male began yelling about officers being "Spics" and "Rednecks". § 87(2)(b) then went inside and saw nothing further, but she did hear commotion outside.

Police Officer Statements

PO Craig Malamed [ENC: 13a-b, 14a-b]

On October 3, 2006, PO Malamed was interviewed at the CCRB. On August 7, 2006, PO Malamed worked from 3:00PM to 12:35AM. He was assigned to Sector A in RMP no. 1471. He was working with PO Angieri. PO Malamed has no entries in his memo book regarding this incident.

At approximately 6:00PM PO Malamed received a radio run, which he recalled as a dispute with a firearm. When PO Malamed arrived on the scene he learned that the dispute regarded the use of a shared driveway. Four officers arrived on the scene: PO Malamed and his partner, PO Angieri, and PO Islam and his partner, PO Vazquez.

One or three black individuals claimed a car hit them. The driver of the car, an older male, claimed one of these individuals, identified by the investigation as § 87(2)(b) took a rock and broke his windshield. § 87(2)(b) stated he wanted to file an accident report. PO Malamed informed him that they would take his report, but they would also have to take the report of the driver for the broken window. § 87(2)(b) admitted to breaking this window. PO Malamed stated if the complaint for the window was taken this meant that § 87(2)(b) would be arrested. PO Malamed explained another option they had, which was to handle the accident on their own and handle the situation civilly. § 87(2)(b) and § 87(2)(b) chose not to make any reports, however they were both still upset. PO Malamed knew this because of their body language and their tone of voice.

One individual, identified by the investigation as § 87(2)(b) became extremely upset. PO Malamed identified this individual from a photograph shown to him at the time of this interview. § 87(2)(b) called PO Vazquez a “Spic” and screamed and cursed at him. PO Malamed did not know why or if PO Vazquez said anything to instigate this. PO Malamed told § 87(2)(b) that his comments were not necessary. PO Malamed asked § 87(2)(b) what country he was from. § 87(2)(b) said he was from Jamaica. PO Malamed said, “In Jamaica would somebody talk to a cop like that?” PO Malamed did not mean anything offensive when he made this statement. He was must making a point that it was not necessary to talk to the police in such a matter. § 87(2)(b) replied, “In Jamaica we shoot you mother fuckers.” PO Malamed did not respond to this. PO Malamed does not know what made § 87(2)(b) call PO Vazquez a Spic. § 87(2)(b) “just got out of control when we were talking about the accident.” No officers threatened to tie § 87(2)(b) to a pole by his dreadlocks.

§ 87(2)(b) continued to yell at the officers causing a crowd to gather. PO Malamed believed this put his safety in danger. PO Vazquez was going to arrest § 87(2)(b) for disorderly conduct. § 87(2)(b) ran through an open gate, into a yard, and into a basement. The officers gave chase, however they did not cross the gate. There were many people in this yard and the officers did not want to go into this situation. No officers had any weapons drawn including batons and asps.

PO Angeri [ENC: 15a-c, 16a-b]

PO Angeri was interviewed at the CCRB on December 1, 2006. On August 7, 2006, PO Angeri worked from 4:00PM to 12:00AM. He was working with PO Malmed. The officers were assigned to patrol, sector A/B. The officers were dressed in uniform and assigned to marked RMP, number 1471. PO Angeri’s Memo Book reflects the following “1921: § 87(2)(b) 91.”

Around 7:00PM PO Angeri and PO Malmed responded to a dispute. Upon arriving on the scene PO Vazquez and PO Islam were at the scene. PO Angeri believes he arrived at the scene about one or two minutes after PO Vazquez and PO Islam. The dispute was over a driveway shared between two individuals. One individual was an older gentelman and the other was a younger gentelman, identified by the investigation as § 87(2)(b). As the older man left the driveway § 87(2)(b) blocked the driveway with his person. § 87(2)(b) alledged he was hit by the car. PO Angeri felt that the younger man was “playing it up.” PO Angeri felt that § 87(2)(b) was looking to have the older man arrested. The older man alleged that § 87(2)(b) hit his car with a brick. The officers explained to § 87(2)(b) if he were to press charges he would be arrested too because he broke the older man’s windsheild. Upon hearing this § 87(2)(b) did not want to file a complaint. The discussion over the complaint was held in a single group, consisting of the disputing parties and the officers.

PO Angeri was shown a picture of § 87(2)(b). PO Angeri recongized § 87(2)(b) as being on the scene. He was a friend of § 87(2)(b) who was hit by the car. Initially § 87(2)(b) was trying to calm his friend down and advising him on what to do. PO Angeri did not have any interaction with § 87(2)(b). PO Angeri predominately interacted with the older man. At one point PO Angeri’s attention was drawn away from the older man to § 87(2)(b) and § 87(2)(b) because something was said about “we shoot the police.” PO Angeri did not know the context of this statement. After that statement PO Angeri saw § 87(2)(b) “take off.” The officers persued § 87(2)(b) down the block approximately three houses. At this point § 87(2)(b) entered a property. There was a large group on this property. The officers did not enter this property because they did not have a search warrant. Individuals from the group told the officers they

could not come on the property. No officers said, "This is NYPD property. We can go where ever we want."

The officers went back to the group of complainants and told them to stay away from each other. At no point did PO Angeri hear any comments about § 87(2)(b)'s ethnicity. He did not hear any threats of arrest made by PO Vazquez. He did not hear PO Vazquez being called a "Spic." PO Angeri did not recall any officers drawing a night stick or an ASP.

PO Islam [ENC: 17a-b, 18a-b]

PO Islam was interviewed at the CCRB on October 16, 2006. On August 7, 2006, PO Islam worked from 3:30PM to 2:05AM. He was assigned to the conditions unit. PO Islam was working with PO Vazquez. The officers were working together for over a year and a half. These officers were working in uniform, assigned to marked RMP 1956. PO Islam has no entries in his memo book regarding this incident.

On August 7, 2006, PO Islam received a call for an 85, a unit needs help. PO Islam was on the block and responded. He could not recall what the original call was. Upon arriving on the scene PO Malamed and PO Angeri were dealing with the original callers. They were discussing the dispute, which resulted in the original 911 call. § 87(2)(b) (identified by the investigation) was not involved in this discussion at this point.

PO Islam could not recall how § 87(2)(b) became involved in the incident. PO Islam was off to the side with the younger of the two complaints, § 87(2)(b). PO Islam moved § 87(2)(b) away from the group to calm the situation. PO Islam stated he was three to four houses away from § 87(2)(b). PO Islam stated he had no interactions with § 87(2)(b). PO Islam recalled officers speaking to § 87(2)(b) however could not recall the nature of this conversation. PO Islam did not recall anything § 87(2)(b) said. PO Islam did not chase § 87(2)(b). PO Islam did not recall any chase between § 87(2)(b) and officers. PO Islam did not enter § 87(2)(b)'s yard. PO Islam only entered the yard where the dispute took place. PO Islam did not have his nightstick on him at the time; he left it in the RMP. PO Islam made no comments about § 87(2)(b) and recalled no officers making any comment about § 87(2)(b)'s ethnicity. PO Islam did not recall if PO Vazquez had an ASP or nightstick on him. He did not recollect any threats to arrest § 87(2)(b).

PO Vazquez [ENC: 19a-c,20a-b]

PO Vazquez was interviewed at the CCRB on November 16, 2006. On August 7, 2006 PO Vazquez worked from 3:00Pm to 11:35PM. He was assigned to the 67th Precinct Conditions Unit. His responsibilities include patrol and answering radio jobs. He was working with PO Islam. Both officers were assigned to marked RMP 1956 and dressed in plainclothes. PO Vazquez's memo book reflects the following regarding this incident: "19:54: 10-52 § 87(2)(b) 20:49 10-91 by 67A" Sector Adam was PO Malamed and Angeri.

PO Vazquez received a call for a dispute with a firearm. PO Vazquez and PO Islam's car arrived at the location two seconds before PO Malamed and PO Angeri. PO Vazquez and PO Islam made initial contact with the owner of a vehicle, older male in his 40's, whose window was broken by § 87(2)(b). PO Malamed and PO Angeri joined the conversation. This conversation was in a group of approximately 10 civilians located in a large group in the street. The parties were never broken up into individuals. PO Malamed asked the driver of the vehicle if he wanted § 87(2)(b) arrested. The older man said he did not and that he wanted to settle the complaint civilly.

A photo of § 87(2)(b) (identified by the investigation) was shown to PO Vazquez. PO Vazquez recalled this individual as a friend of the younger male who broke the window. § 87(2)(b) was telling this younger male "what to do, different options he could take." § 87(2)(b) was yelling and screaming. He did not listen to the officers when they told him to calm down. PO Vazquez said to § 87(2)(b) "Listen, you have to step to the side. Let us talk to your friend first, find out what is going on and then we will speak to you after, if you have anything to say." He did not threaten to arrest § 87(2)(b). § 87(2)(b) did not comply and continued yelling at the officers and calling PO Vazquez a "Spic". PO Vazquez was not bothered by this and felt it best to let him vent.

§ 87(2)(b) s yelling caused a crowd to gather. He was yelling that he was going to beat up the officers and if they didn't have their badges he would "take care of them." PO Vazquez and PO Malamed decided to charge § 87(2)(b) with disorderly conduct. All four officers approached § 87(2)(b). As the officers approached him, he ran into his house. Once § 87(2)(b) was inside the house the officers "left it alone" and went back to the dispute, one house away.

The officers then briefed the disputing parties again on how to handle their dispute civilly and left the scene.

PO Vazquez was "not too sure" if PO Islam took § 87(2)(b) to the side. PO Vazquez gave no directives to break the group apart. PO Malamed never asked § 87(2)(b) for his ethnicity. § 87(2)(b) s ethnicity was never mentioned during this incident. PO Vazquez never drew his asp or OC spray. No officers drew any batons or asps or OC spray.

PO Dombi [ENC: 21a-c, 22a-b] and PO Bigus [ENC: 32a-b]

On October 17th, 2006, PO Dombi was interviewed at the CCRB. On October 16, 2006 PO Bigus was interviewed at the CCRB. On August 7, 2006 PO Dombi and PO Bigus were assigned to sector G in the 67th Precinct. They worked from 3:00PM until 11:35PM. Neither of these officers had any recollection of this incident.

Police Documents

SPRINT [ENC: 24a-e]

SPRINT number § 87(2)(b) was received by the investigation on August 16, 2006. This sprint indicates a call for a dispute, which was first responded to by 67LT1 at 7:25 PM who arrived at the scene at 7:33PM. Sectors 67A responded to the scene at 8:11PM and Sector 67G responded to the scene at 8:12PM. 67LT1 responded as resuming patrol at 8:14PM. At 8:28 Sector 67A called for an ambulance to the scene. At 8:28PM Sector 67A resumed patrol. At 8:47PM an Ambulance arrived to the location. 10:02PM Sector 67A reported a disposition of a non-crime corrected.

SPRINT number § 87(2)(b) was received by the investigation on August 16, 2006. This sprint indicates a call for a dispute, which was responded to by Sector 67SP7 (Conditions) at 7:56PM. Sector 67SP7 dispatched a final disposition of a non-crime corrected at 8:56PM along with Sector 67A.

67 Roll Call for tour 3 on August 7, 2006 [ENC:25a-i]

This roll call indicates Lt. Kaplan as the Platoon Commander. Sector 67 A is listed as PO Malamed and PO Angeri. They are assigned to RMP number 1471. Sector G is listed as PO Dombi and PO Bigus. PO Islam and PO Vazquez are listed as partners assigned to conditions.

§ 87(2)(b) CCRB History[ENC: 4a]

§ 87(2)(b) has filed no other cases with the CCRB.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

PO Malamed CCRB History[ENC: 3a-b]

PO Malamed has one substantiated CCRB case (200107856). He was substantiated on an allegation of force and an allegation of abuse of authority, premises entered and/or searched. He pleaded guilty and lost 20 vacation days. He has been with the NYPD for 8 years.

PO Vazquez CCRB History[ENC: 2a]

PO Vazquez has no substantiated CCRB cases. He has been with the NYPD for three years.

Conclusions and Recommendations

Officer Identification

§ 87(2)(g). PO Dombi and PO Bigus were interviewed to confirm that this incident related to Sprint number § 87(2)(b) as opposed to Sprint number § 87(2)(b). A photo array shown to § 87(2)(b) confirmed the identity of PO Malamed, PO Angeri, PO Vazquez and PO Islam and their role in the incident. § 87(2)(g)

Undisputed Facts

According to civilian and officer statements there was a property dispute between § 87(2)(b) and § 87(2)(b) both identified by the investigation, at § 87(2)(b) in Brooklyn. PO Malamed, PO Angeri, PO Islam and PO Vazquez responded to the scene. Upon arriving the officers asked the individuals involved in the incident to tell their renditions of the incident. Upon hearing the narratives, officers advised the individuals that they could handle the matter civilly, between themselves, or that if criminal complaints were filed it would result in § 87(2)(b) being arrested. At this point § 87(2)(b) became “very irate” and verbally belligerent towards the officers, commenting that “in Jamaica we shoot cops,” and calling PO Vazquez a “spic.”

Disputed Facts

§ 87(2)(g) § 87(2)(b)

Assessment of the Evidence

§ 87(2)(b) alleged that when he became belligerent PO Vazquez said, “Shut up before I drag you to jail by your dreads.” PO Vazquez denied making this threat and contends that he said to § 87(2)(b) “Listen, you have to step to the side. Let us talk to your friend first, find out what is going on and then we will speak to you after, if you have anything to say.” § 87(2)(g)

§ 87(2)(b) All civilians who witnessed the incident did not make this allegation. PO Malamed did not know if PO Vazquez made any comments to § 87(2)(b) prior to § 87(2)(b) calling him a “Spic.” PO Angeri and PO Islam did not recall PO Vazquez threaten to arrest § 87(2)(b)

§ 87(2)(b) alleged that after cursing at the officers he was addressed by PO Malamed who said that he should be happy that this isn’t Jamaica because he could not talk to cops like that in Jamaica. § 87(2)(b) stated that he responded that he shoots cops in Jamaica, to which PO Malamed responded that he should “go back to Jamaica.” PO Malamed denied telling § 87(2)(b) to “Go back to Jamaica.” He stated that he asked § 87(2)(b) for his country of origin and then stated, “In Jamaica would somebody talk to a cop like that?” PO Malamed stated that § 87(2)(b) responded that he shoots cops to which he made no reply. PO Malamed said that he made this comment to point out that it was not necessary to speak to officers in the manner § 87(2)(b) was speaking. Several individuals at the scene witnessed this interaction and provided statements regarding it. § 87(2)(b) put forth that PO Malamed said that police officers in Jamaica would beat § 87(2)(b). § 87(2)(b) who does not know § 87(2)(b) and felt that the officers did not engage in misconduct, stated that an officer stated that § 87(2)(b) would “have the shit slapped out of him in Jamaica.” § 87(2)(b), § 87(2)(g)

§ 87(2)(b). PO Islam had no recollection of this incident. PO Vazquez denied that PO Malamed asked § 87(2)(b) for his ethnicity at any point in time. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) § 87(2)(b) alleged that PO Malamed said that he should go back to Jamaica. § 87(2)(b), § 87(2)(g) Initially § 87(2)(b) stated that PO Malamed asked him if he knew what would happen to him in Jamaica and then told him to go back to Jamaica. In his CCRB statement § 87(2)(b) made not mention of PO Malamed asking if he would know what would happen to him in Jamaica. PO Malamed stated that he did not respond to § 87(2)(b)'s statement of shooting “cops in Jamaica.” § 87(2)(b) stated that PO Malamed stated that in Jamaica § 87(2)(b) would have the “shit

slapped out of him.” § 87(2)(b), § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(b) stated § 87(2)(b) told him that PO Islam said that the officers should have dragged him off to jail by his dreadlocks. § 87(2)(b), § 87(2)(g)

Allegation A: PO Mark Vazquez threatened to arrest § 87(2)(b)

As stated above when assessing the evidence, § 87(2)(b) alleged that when he became belligerent PO Vazquez said, “Shut up before it drag you to jail by your dreads.” PO Vazquez denied making this threat and contends that he said to § 87(2)(b) “Listen, you have to step to the side. Let us talk to your friend first, find out what is going on and then we will speak to you after, if you have anything to say.” § 87(2)(b), § 87(2)(g)

Allegation B: PO Craig Malamed made remarks to § 87(2)(b) based upon ethnicity.

§ 87(2)(g)

§ 87(2)(b) In the OATH case of PD Vs. Manceri [ENC: 1a-1], Administrative Law Judge Rosemarie Maldonado determined that when an officer said the comment, “What are you? Stupid? You know what happened to the last black guy that tried something like that? He got 41 shots,” did not constitute misconduct. Judge Maldonado found that “While it seems apparent that the remark was unnecessary and, under the circumstances, better left unsaid, the respondents intentions in making the comment were probably good ones. The tenor of the remark suggested that the respondent intended to impress...the need to cooperate with law enforcement commands because the failure to obey a police order may be disastrous.” § 87(2)(g)

§ 87(2)(b) rebutted this comment by stating that in Jamaica civilians would “shoot cops.” § 87(2)(b)

§ 87(2)(g) alleged that PO Malamed then told him to go back to Jamaica. PO Malamed denied making any further comment and § 87(2)(b) stated that PO Malamed said that § 87(2)(b) would “have the shit slapped out of him in Jamaica.” § 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: